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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,974	10/12/2001	Donald Remboski	29248/AP01950	2948
22917	7590	04/17/2006	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			PENDLETON, DIONNE	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,974

Applicant(s)

REMBOSKI ET AL.

Examiner

Dionne H. Pendleton

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **1,2,4-9,11-13,16-20,23,24,26-30,33-37 and 40** are rejected under 35 U.S.C. 102(e) as being anticipated by **Takagi (US 6,718,187)**.

Regarding claim 1, Takagi et al. teaches a method of configuring the service state of a wireless communication device, comprising the steps of:

In column 7, lines 14-25, Takagi teaches that sensors **60,110** operate to transmit to a controller a plurality of conditions such as: 1.) the indicator of an incoming phone call was noticed; 2.) the indicator of an incoming phone call was not noticed within a certain time period; 3.) current vehicle speed is high ; AND 4.) current vehicle speed is low, wherein said compiled conditions within the controller **20** are interpreted as reading on “receiving a set of operating parameters”;

Based on the sensed vehicle conditions, Takagi’s device makes a determined response, such as: 1.) connect the incoming phone call through to the driver; 2.) forward the incoming phone call to an answering service; AND/OR 3.) increase the inter-vehicle distance. Said responses reading on “preferred service states”;

Takagi teaches that the data from the plurality of sensors is related to various aspects of the device such as the “vehicle speed” and “driver burden”. As such, said various aspects are interpreted as reading on “context parameters”, wherein the device operating parameters include a context parameter representing a device operating situation for a given data;

Takagi teaches that a plurality of context data, *that is the data relating to the various context parameters, for example a first data transmission indicative of high or low vehicle speed and a second data transmission indicative of high or low driver burden*, is received from a plurality of respective sensors **110,60**, said plurality respective sensors reading on “a plurality of context data sources”;

And Takagi further teaches, “setting the service state”, in accordance with the context parameter and the context data, for example, when context data indicates that vehicle speed is high and the driver burden is low, the defined service state within controller **20** requires that the display location of an incoming call indicator be brought closer to the central vision region of the driver (**see column 8, lines 43-62**) and also requires that the inter-vehicle distance is increased (**see column 8, line 63 – column 9, line 5**).

Regarding claim 2, in column 7, lines 25-27, & column 9, lines 62-column 10, line 7, Takagi et al. teaches that the context parameter and the context data each relate to a speed of the wireless communication device.

Regarding claims 4 and 26, Takagi et al. teaches that the context parameter and the context data each relate to time, **see column 7, lines 35-37**.

Regarding claims 5 and 27, Takagi et al. teaches that one factor taken into account when determining the service state, is the “driving burden”, which is interpreted as reading on the “activity of the device operator”.

Regarding claims 6 and 28, Takagi recognizes a need in the art for configuring the service state of a device dependent upon the driving burden of the device operator, thereby reading on “the context parameter and the context data each relate to a cognitive load of the device operator.”

Regarding claims 7 and 29, Takagi teaches that the service state comprises at least one of a call forwarding service state and a call forwarding to voice mail service state, **see column 7, lines 39-40**.

Regarding claims 8 and 30, in **column 6, lines 20-25**, Takagi teaches that a hands-free call may be made using the microphone and speaker, reading on “a voice activated state” as well as “hands-free voice interface”.

Regarding claim 9, Takagi et al. teaches receiving data pertaining to the vehicle speed, which reads on “relating to the operation of a vehicle”.

Regarding claims 11 and 12, in **column 9, lines 42-50**, Takagi et al. teaches that data pertaining to the operation of the vehicle, is processed such that the wireless device will output an automatic response stating “I am driving right now...”, thereby reading on “communicatively coupling” and “the step of receiving data relating to the operation of the vehicle comprises fusing data within the vehicle and providing the fused data to the wireless communication device”.

Regarding claim 13, Takagi teaches a portable user interface (11).

Regarding claims 16 and 33, Takagi takes into account any variety of conditions, which would potentially inhibit the device operator from noticing the reception of call. The Examiner interprets the disclosure of Takagi as including ambient sound within the vehicle. Since a high degree of ambient sound might be indicative of a heated conversation between in the device operator and vehicle passengers, further distracting the driver from noticing the incoming call indicia.

Regarding claim 17, Takagi teaches that when the electronic device is placed within the vehicle unit (11), the ringing level is reduced to a minimum volume, reading on “a ringing mode service state”, as broadly claimed.

Regarding claims 18 and 35, in column 7, lines 14-16, Takagi teaches a completion delay service state.

Regarding claim 19, in column 6, lines 34-38, Takagi teaches “calling party identification service state”, as claimed.

Regarding claims 20 and 37, Takagi et al. teaches a cellular telephone.

Regarding claim 23, Takagi et al. teaches a sensor fusion module **20** coupled to receive a plurality of context data (pertaining, for example, to the vehicle speed and driver burden) from a plurality of sensor **60,11,110**; a memory (see **column 9, line 62 – column 10, line 20**, wherein Takagi teaches an inter-vehicle distance control tracking system which stores an average distance) including stored therein a context parameter indicating a device operating situation for a given context data; and a processor **21** for adjusting a service state of the wireless communication device based upon the context data and the context parameter.

Regarding claim 24, in column 7, lines 25-27, & column 9, lines 62-column 10, line 7, Takagi et al. teaches that the context parameter and the context data each relate to a speed of the wireless communication device.

Regarding claim 34, Takagi teaches that when the electronic device is placed within the vehicle unit 11, the ringing level is reduced to a minimum volume, reading on "a ringing mode service state", as broadly claimed.

Regarding claim 36, in column 6, lines 33-38, Takagi teaches an incoming call detection function for detecting the telephone number of the received call.

Regarding claim 40, Takagi et al. teaches a telephone and thereby inherently teaches a "computer", in figure 1, Takagi also teaches a central processing unit 21 which may also be interpreted as reading on a "computer", as claimed..

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **3,15,25 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takagi (US 6,718,187)** in view of **Stewart (US 6,546,257)**.

Regarding claims 3,15,25 and 32, Takagi does not clearly teach that the context parameter and context data for determining a service state, relates to the location/altitude of the wireless device.

Stewart teaches that a wireless device may be configured such that specific information is provided, reading on “service state”, in accordance with the location/altitude of the wireless device, via GPS.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Takagi and Stewart, also configuring the wireless device such that it provides regional information to the user, such that the user may be made aware of promotions and advertisements in their immediate areas.

3. Claims **10, 14 and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takagi (US 6,718,187)** in view of **Sheth (US 6,405,106)**.

Regarding claims 10,14 and 31, Takagi does not clearly teach that the context parameter and context data for determining a service state, relates to the vehicle condition, vehicle environment data and ambient lighting.

Sheth teaches, in **column 1, line 65 – column 2, line 19**, that data relating to the environment and weather, which reads on “vehicle environment” and “ambient lighting”, as well as engine functions of a vehicle, which reads on “vehicle conditions”, may be compiled and processed , so as to ensure the comfort of the vehicle operator.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Takagi and Sheth, for the purpose of maintaining the comfort of the user, as disclosed by Sheth.

4. Claims **21,22,38,39 and 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takagi (US 6,718,187)** in view of **Singh (US 6,389,278)**.

Regarding claims 21,22,38,39 and 41, Takagi does not clearly teach that the wireless device includes a pager, personal digital assistant or web browser.

Singh, **in column 1, lines 18-25** teaches that a wireless device, such as a telephone, may be combined with any combination of a pager, PDA and web-browser.

It would have been obvious for one of ordinary skill in the art at the time of the invention to equip the telephone of Takagi, with any one or more of a pager, PDA and/or web-browser, for the purpose of expanding the versatility of the wireless device.

Response to Arguments

5. Applicant's arguments with respect to the rejection of claims 1,7,13,17 and 19-20 as being anticipated by Mizkovsky have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's traversal of the rejection of claims 1,2,4-9,11-13,16-20,23,24,26-30,33-37 and 40 as being anticipated by Takagi have been fully considered but they are not persuasive. Specifically...

7. Regarding the applicant's argument that Takagi Does Not Disclose Setting A Service State Of The Wireless Communication Device In Accordance With A Plurality Of Context Data:

As clearly set forth in the above rejection, The Examiner asserts that Takagi clearly teaches that a *plurality* of context data i.e., data relating to, for example, "vehicle

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speed" and "driver burden", is provided to the controller unit **20** wherein the controller unit **20** identifies and enacts a predetermined action to be taken by the device, and wherein enacting said predetermined action reads on "setting the service state " of the device. Therefore, the Examiner's rejection is maintained and has been clearly set forth in the above rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne H. Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dionne Pendleton


Daniel Swendlow
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